

Mauritz	Stone
Metcalf	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York
Shivers	

**Absent—Excused**

Beck	Hazlewood
Cotten	Kelley
Formby	Spears

**Message From the House**

A message, signed by Clarence Jones, Chief Clerk of the House of Representatives, and read by Mrs. Ida C. Banks, Assistant Reading Clerk of the House, informed the Senate that the House had passed the following bills and adopted the following resolution:

S. B. No. 2, "An Act requiring all officers and employees of the Senate, its agencies, instrumentalities, political subdivisions and municipalities, having control over the payment of any salaries or wages to public officers or employees, to comply with the provisions of the Federal Revenue Act of 1942, etc."

S. B. No. 29, "An Act fixing the length of the terms of the District Court concerning the 72nd Judicial District, etc., and declaring an emergency."

H. C. R. No. 10, Relative to broadcasting ceremonies to inaugurate Governor-elect and Lieutenant Governor-elect.

**Presentation of 6-B Class of Bryker Woods School**

The President pro tempore announced that the members of the 6-B class of Bryker Woods school of the City of Austin were present in the Senate gallery, and he welcomed the class and their teacher, Miss Martine Holbrook, as guests of the Senate.

**House Concurrent Resolution 10**

The President pro tempore laid before the Senate:

H. C. R. No. 10, Providing for broadcasting the ceremonies to inaugurate Governor-elect and Lieutenant Governor-elect.

On motion of Senator Brownlee, and by unanimous consent, the resolution was considered immediately, and was adopted.

**Advance Printing of Senate Bill 43**

On motion of Senator Moore, and, by unanimous consent, S. B. No. 43 was ordered printed in advance of its consideration in committee.

**Advance Printing of Senate Bill 37**

On motion of Senator Aikin, and by unanimous consent, S. B. No. 37 was ordered printed in advance of its consideration in committee.

**Adjournment**

On motion of Senator Lovelady, the Senate, at 11:05 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

**FIFTH DAY**

(Tuesday, January 19, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and, by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved

**Leaves of Absence Granted**

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Fain.

Senator Lane was granted leave of absence for today on account of important business, on motion of Senator Lovelady.

**Bills Signed**

The President pro tempore signed in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 2, A bill to be entitled "An Act requiring all officers and employees, to comply with the provisions, instrumentalities, political subdivisions and municipalities, having control over the payment of any salaries or wages to public officers or employees, to comply with the provisions of the Federal Revenue Act of 1942 requiring the withholding of the five per cent (5%) Federal Victory Income Tax from wages paid public officers and employees; and declaring an emergency."

S. B. No. 29, A bill to be entitled "An Act fixing the length of the terms of the District Court and the times of holding the terms of District Court in the counties composing the 72nd Judicial District of Texas, validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the terms of court in said counties and district as herein fixed, to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act, providing for the holding and closing of any term of court in session at the time this Act takes effect; and declaring an emergency."

**Senate Bills on First Reading**

The following bills were introduced, read severally first time, and referred by the President pro tempore to the committees indicated:

By Senator Bullock:

S. B. No. 49, A bill to be entitled "An Act authorizing the State Department of Education to issue State Teachers Certificates to teachers of the deaf or the blind, fixing the requirements for such teachers in both academic and vocational subjects, limiting these teachers with special qualifications to such special schools; and declaring an emergency."

To Committee on Education.

By Senator Bullock:

S. B. No. 50, A bill to be entitled "An Act declaring the Texas School

for the Deaf of Austin, Texas, the Deaf, Dumb and Blind Institute at Austin, Texas, and the Texas School for the Blind to be educational institutions and fixing sums that may be charged parents of such children enrolled therein as incidental costs connected with educational work."

To Committee on State Departments and Institutions.

By Senator Lovelady:

S. B. No. 51, A bill to be entitled "An Act regulating transportation by aircraft, the operation, construction, repair and maintenance of aircraft, airports, landing strips, air navigation facilities, and instruction in the operation, construction, repair and maintenance of aircraft; defining terms and offenses, providing for licensing of aircraft and pilot thereof, prescribing powers and duties of Railroad Commission and authorizing the expenditure of monies by it for the acquisition and operation of airports and landing fields, and for the advancement and safety of air travel; authorizing acquisition and operation by municipalities, counties and other political subdivisions of airports and landing fields, as well as acquisition of air rights over private property and property rights for marking obstructions to safe operation of aircraft; authorizing airport zoning regulations; prescribing the liability for damage to persons or property caused by operation of aircraft; levying a tax on gasoline used in aircraft; creating a special fund in the Treasury, allocating funds to be deposited thereto, and prescribing the purposes for which such special fund may be used, and repealing all laws and parts of laws in conflict herewith; providing that if any Section, paragraph, sentence, clause, phrase or part of this Act be invalid, such invalidity shall not affect the remainder thereof; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senators Morris, Bullock, Lovelady, and Metcalfe:

S. B. No. 52, A bill to be entitled "An Act providing for a more efficient public school system in Texas [and to be known as the Equalization Fund Bill]; providing for the equalization of funds; making an appropriation of Eight Million Four Hun-

dred Forty-four Thousand, One Hundred Ninety (\$8,444,190.00) Dollars for each year of the biennium, ending August 31, 1945; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Department of Education, the Director of Equalization; creating a Legislative Fiscal Committee; defining its powers and duties; providing for the appointment of a Legislative Fiscal Agent and providing for his powers and duties, defining what schools and school districts may receive aid with certain exceptions thereto; providing for a system of transporting scholastics to and from schools under certain conditions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for applications for aid; providing for the duties of County Boards of Trustees, County Superintendents and Boards of Trustees; providing for the function of Deputy State Superintendents; providing for the scholastic population of school districts; providing for the levy of a tax; providing for salary aid; providing for salary schedule and length of time; providing for high school tuition aid; providing for transportation aid; providing for the transfer under certain circumstances of a school's scholastic enrollment for one year to an accredited school of higher rank; providing for disbursements; providing how counties with no governing school board may function in order to receive aid under this Act; providing for allowances to school districts suffering loss sustained by reason of the location in said districts of Federal owned lands or University owned lands; providing for penalties for violation of this Act; providing for the repeal of all laws in conflict with this Act; and containing a saving clause."

To Committee on Finance.

By Senator Morris:

S. B. No. 53, A bill to be entitled "An Act [relating to dormant deposits of money]; authorizing the State of Texas to take over dormant accounts of deposit with depositaries; providing the procedure for such tak-

ing over and the disposition to be made of such funds so taken over; defining words and terms used; providing for the recovery by the owner of any such account taken over against the State; authorizing suits to recover such deposits by the State, and suits against the State by owners of such deposits; declaring the purpose of the Act; requiring reports from depositaries; providing penalties; making payment by depositaries to the custodian a defense to the demands of such depositors; appropriating a sum for the payment of owners of deposits taken over; containing a severability clause; repealing all laws and parts of laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Ramsey:

S. B. No. 54, A bill to be entitled "An Act to amend Article 1176 of the Penal Code of Texas, prescribing new and additional requirements for peace officers and persons having prisoners in their custody, towards and relating to such prisoners; prescribing a penalty for violation thereof; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Ramsey:

S. B. No. 55, A bill to be entitled "An Act to amend Article 727 of the Code of Criminal Procedure of this State by eliminating certain provisions from said Article; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Mauritz:

S. B. No. 56, A bill to be entitled "An Act providing for the construction and maintenance of partition fences along the boundary lines between adjoining tracts of land when both said tracts are being used as pasture for grazing cattle, horses, or other livestock; and declaring an emergency."

To Committee on State Affairs.

By Senator Winfield:

S. B. No. 57, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, providing for the maximum compensation of county officials in any

county where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land; and declaring an emergency."

To Committee on Counties.

By Senator Winfield:

S. B. No. 58, A bill to be entitled "An Act amending Article 3902 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto, by adding thereto a new Subsection to be known as Subsection 9, fixing the compensation of the first assistant or chief deputy sheriff and other deputy sheriffs in counties where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land, the salary of the chief deputy sheriff in any such county shall not exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum and the salary of any other assistant deputy sheriff shall not exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum; and declaring an emergency."

To Committee on Counties.

By Senator Winfield:

S. B. No. 59, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of the State of Texas, providing for the compensation of county commissioners in any county where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land, the salary of each county commissioner shall be not exceeding Three Thousand (\$3,000.00) Dollars per annum; and declaring an emergency."

To Committee on Counties.

By Senator Lanning:

S. B. No. 60, A bill to be entitled "An Act conferring upon the Board of Regents of the Texas State College

for Women of Texas the power of eminent domain to acquire land for the use of the College; exempting said Regents from depositing bond as provided in Section 2, of Article 3268, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

To Committee on State Affairs.

By Senator Lemens:

S. B. No. 61, A bill to be entitled "An Act to amend Sections 7, 9, 30, 32, 38, 40, 49, 73, and 76 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed by the Second Called Session of the Forty-first Legislature, as any of said Sections may have been amended; and declaring an emergency."

To Committee on Banking.

#### Senate Concurrent Resolution 6

Senator Moffett offered the following resolution:

S. C. R. No. 6, Providing for the Governor to send a delegate to the Council of State Governments.

Whereas, The Fifth General Assembly of the Council of State Governments will meet in Baltimore, Maryland, January 24th to the 26th, 1943; and

Whereas, The Governor of Texas has heretofore been represented at the meetings of this General Assembly along with representatives from some forty-one other States; and

Whereas, It is of utmost importance that the Governor of Texas be represented at this Sixth General Assembly; now, therefore, be it

Resolved, That the Governor of Texas be empowered to appoint a delegate to represent him at the above mentioned General Assembly, and that traveling expenses of said delegate are hereby authorized to be paid out of the law enforcement fund appropriated for the Executive Department of this State.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

**Senate Resolution 9**

(Delegate to Represent Senate in Council of State Governments)

Senator Martin offered the following resolution:

Whereas, The Sixth General Assembly of the Council of State Governments will meet in Baltimore, Maryland, January 24th to the 26th, 1943, inclusive; and

Whereas, This Assembly was organized in 1933 with President Roosevelt's assistance, the delegates thereto from some forty-one States, representing the Governor of the State and one representative from the Senate and one from the House of Representatives; and

Whereas, The Fifth General Assembly was held in January, 1941, at which official delegates from more than forty States attended; and

Whereas, There is a great tendency for the National Government to take over the field of taxation from the various State Governments and to take over other fields of government because of the failure of the States to cooperate among themselves; and

Whereas, The Representatives of the various States have rarely been faced with problems of such vital importance as they are today; problems of national defense and its impact upon our States and localities; trade barriers between the States, conservation, uniform State laws, and many other problems; and

Whereas, The Council of State Governments is a medium through which many Federal-State and interstate problems have been solved and is a forum for the consideration of the increasing number of problems growing out of the current war emergency, including rationing, civilian defense, transportation, emergency fiscal problems, highway safety and taxation; and

Whereas, It is of considerable importance to Texas that the Senate be represented in this forthcoming session of the General Assembly; now, therefore, be it

Resolved by the Senate, That the Lieutenant Governor appoint a Member of the Senate as a delegate to represent the Senate at said meeting and that the necessary expenses

incurred by said Member be paid from the Contingent Fund.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

**Senate Resolution 10**

(Congratulating Major General Fred L. Walker)

Senator Shivers offered the following resolution:

Whereas, Major General Fred L. Walker, Commanding Officer of the 36th Division, United States Army, has been made an Honorary Citizen of Texas by Honorable Coke R. Stevenson, Governor of Texas; and

Whereas, The 36th Division is generally referred to as the Texas Division being composed of former National Guardsmen from all parts of Texas; and

Whereas, Major General Fred L. Walker has conducted his command in such a manner as to reflect credit upon himself and distinction to his Division so as to receive recognition from the Governor of Texas; therefore, be it

Resolved, That the Senate of Texas, extend to Major General Fred L. Walker sincere congratulations upon this honor and extend to him all good wishes for the future.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

**Motion to Suspend Constitutional Rule**

Senator Moore submitted the following motion in writing:

I move that Section 5, Article 3 of the Constitution of the State of Texas be suspended hereby insofar as the same may prevent the introduction, consideration in committee and passage of bills during the first sixty (60) days of the session.

Pending consideration of the motion, Senator Moore was permitted to withdraw it.

**Advance Printing of Bills**

On motion of Senator Lovelady, it was ordered that S. B. No. 51 be printed in advance of its consideration in committee.

On motion of Senator Morris, it was ordered that S. B. No. 52 be printed in advance of its consideration in committee.

**Message from the House**

A message, signed by Clarence Jones, Chief Clerk of the House of Representatives, and read by Mrs. Ida C. Banks, Assistant Reading Clerk of the House, informed the Senate that the House had adopted the following resolution:

H. C. R. No. 12, Inviting members of the State Democratic Executive Committee to attend the joint session of the Legislature to inaugurate the Governor and Lieutenant Governor.

**House Concurrent Resolution 12**

The President pro tempore laid before the Senate:

H. C. R. No. 12, Inviting the members of the State Democratic Executive Committee to attend the joint session of the Legislature to inaugurate the Governor-elect and Lieutenant Governor-elect.

On motion of Senator Lovelady, and, by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

**Resolutions Signed**

The President pro tempore signed H. C. R. No. 10 and H. C. R. No. 12 in the presence of the Senate after giving due notice thereof, and their captions had been read.

**Mrs. Georgia Sullivan Presented to Senate**

The President pro tempore, at this time, presented to the Senate Mrs. Georgia Sullivan, a member of the State Democratic Executive Committee.

**Joint Session**

(To Inaugurate Governor and Lieutenant Governor)

At 11:25 o'clock a. m., the President pro tempore requested the Senate to proceed in a body to the Hall of the House of Representatives for a joint session with the House to inaugurate the Governor-elect and the Lieutenant Governor-elect.

Accordingly, the Honorable Senators proceeded in a body to the Hall of the House, where they were duly announced and escorted to seats reserved for them along the aisle.

On invitation of the Speaker, the President pro tempore occupied a seat on the Speaker's stand.

Chief Justice James P. Alexander of the Supreme Court, Associate Justice Clyde Grissom of the Court of Civil Appeals of the Eleventh Supreme Judicial District, and Hon. Pat M. Neff, Hon. Dan Moody, and Hon. James V. Allred, former Governors of Texas, also occupied seats on the Speaker's stand.

Hon. Vernon Lemens, President pro tempore of the Senate, called the Senate to order at 11:30 o'clock a. m. and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

**Absent—Excused**

Cotten	Lane
Formby	Spears

A quorum of the Senate was announced present.

Hon. Price Daniel, Speaker of the House of Representatives, called the House to order and ascertained and announced the presence of a quorum of the House.

The Speaker then announced that the two Houses were in joint session to inaugurate the Governor-elect and Lieutenant Governor-elect for the ensuing term of two years.

The Rev. Dr. P. B. Hill, Chaplain of the Texas Ranger Force and the Department of Public Safety, on invitation of the Speaker, delivered the invocation.

The Governor-elect and Lieutenant Governor-elect and their inaugural party were announced at the Hall of the House and were duly admitted.

Honorable Coke R. Stevenson, Governor-elect, and his mother, Mrs. R. M. Stevenson, Honorable John Lee Smith and Mrs. Smith, and the entire inaugural party were escorted to the Speaker's rostrum by Senators Brownlee, Martin, Chadick, Beck, and Jones on the part of the Senate, Representatives Gilmer, Sadler, Isaacks, Carrington, and Hoyo on the part of the House, and by the Ross Volunteers of the Agricultural and Mechanical College of Texas.

The Speaker announced that the constitutional oath would be administered to Hon. John Lee Smith, Lieutenant Governor-elect, by Associate Justice Clyde Grissom of the Court of Civil Appeals of the Eleventh Supreme Judicial District.

Hon. John Lee Smith, Lieutenant Governor-elect, then took the constitutional oath of office and also affixed thereto his signature, the oath being administered and the signature attested by Associate Justice Grissom.

The Speaker presented Hon. Vernon Lemens, President pro tempore of the Senate, who introduced Hon. John Lee Smith to the joint session.

#### Address by Lieutenant Governor

Lieutenant Governor Smith addressed the joint session as follows:

Mr. President, Mr. Speaker, Governor Stevenson, Members of the Forty-eighth Legislature, and Friends:

The people of Texas have conferred upon me a great honor, and by the same token, they have burdened me with a great responsibility. I acknowledge my gratitude for the first. I invoke your cooperation in discharging the latter.

The assumption of power by any individual should be occasioned by a spirit of deepest humility, and at the same time should be accompanied with the resolve to be loyal to the principles which make up and express democratic government. In that spirit, and with that resolve, I approach the tasks which a great State has given me to perform.

It is well for us who participate in this prosaic ceremony to consider its significance cast upon a background of a world at war, a world of which one whole continent has been made a slave-pen in which are fettered the broken and disorganized

governments of once proud democracies. Forty-nine times in the last ninety-eight years this ceremony has been repeated as the Governor and Lieutenant Governor assumed the performance of their duties by the grace of God and the will of a sovereign people. It is evidence that the purpose for which our forefathers served this great commonwealth out of the wilderness is still vital and vigorous. That purpose was to institute and perpetuate a government in which the people ruled. It is fundamental in the functioning of a democracy that its government operates solely upon the principle that governments derive their just powers from the consent of the governed. "No man is good enough to govern another man without that man's consent." It is for that purpose that we have elections to insure unto the people their right of the choice of those who, under their authority, shall administer their government.

The Governor, the Lieutenant Governor, and you ladies and gentlemen of the Legislature, are all here, by and under the authority of the people of Texas, and to them alone are we responsible. They who gave us this temporary grant of power, properly limited by Constitutional prohibitions, retain the right to terminate that power if, in their wisdom, it is to their interest to do so. That is the process of democracy. It is the will of the people in operation.

Let us contrast it with the operation of a bureaucracy. In most instances a bureaucracy grows out of situations and circumstances in which the lawmaking body ceases to function as such. Under our constitutions, both Federal and State, the law making authority belongs exclusively to the Congress and the Legislature. But at periodic times in the nation's history, and during the carpet bag era in Texas, usually in times of great emergency or the threat of chaos—the lawmaking bodies have delegated to the Chief Executive vast grants of power which contain the right to govern by regulation and decree as contrasted with constitutionally enacted law. Texas is to be commended today in having chosen a Governor who has and is vigorously opposing the expansion and encroachment of bureaucratic power to the hurt and hindrance of democratic pro-

cesses, and to the threat of the very existence of the states.

Under the bureaucratic system, the President, or Governor, as the case may be, in turn delegates this great power to some man or men of his own choosing—a bureaucrat—who proceeds to write out rules and regulations according to his own judgment or whim. These rules and regulations have the force and effect of any law enacted by the Congress. They affect the rights of the people both as to the liberty of their persons and the possession and use of their property. The bureaucrat is not responsible to the people he thus governs by decree. He rules in the same way that Charles the First tried to rule until he lost his head in the Cromwellian Revolution—by edict and manifesto. His very existence is a violation of the ancient maxim of democracy that all governments derive their just powers from the consent of the governed. When once a bureaucracy is instituted, it becomes a powerful political weapon by reason of the tremendous authority which it possesses. It has no constituents to whom it is liable as do you and I and every other elected public official. It frequently looks upon the citizens more in the spirit of an autocrat dealing with his servile subjects. Its power can be ended only by the re-investing of that power in the law-making body where it properly belongs and where the people themselves have placed it.

Our national government is being operated today by some dozen or more great bureaucrats. We have reluctantly consented to this usurpation of power in order to more effectively and more rapidly organize the nation for war. Temporarily we have been willing to submit to government by decree and regulation with all their attendant evils and injustices in order that the American way of life and the cause of human freedom might be saved in the shock and storm of war. But we must be sure that these powers revert to the people when the great emergency is past. We must be sure that constitutional government returns to us when the era of battle has departed. We must be sure that the bureaucrat passes away with the downfall of Hitler and Hirohito and their own vicious systems of government existing in de-

fiance of the will of the people. Unless we make sure of this then the gallant lads who are baring their young breasts to the storm of battle in order to preserve human liberty shall have served and sacrificed in vain. If we, here at home, do not make certain that every American shall enjoy the right to life, liberty and the pursuit of happiness, after the storm of war has vanished from our skies, then we shall have cheated the brave lads of the victory which they are purchasing with their sweat and their blood.

Wise old Samuel Adams, more than one hundred and thirty years ago, said:

"The liberties of our country, the freedom of our civil constitution, are worth defending at all hazards; and it is our duty to defend them from all attacks, both from within and without. We have received them as a fair inheritance from our worthy ancestors; they purchased them for us with toil and danger and the expense of treasure and blood, and transmitted them to us with care and diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle, or be cheated out of them by the artifices of false and designing men.... let us remember that if we suffer tamely a lawless attack upon our liberty, we encourage it, and involve others in our doom."

A magnificent American, Woodrow Wilson, who led this great nation through the storms and tempests of World War One, said also: "The average hopefulness, the average welfare, the average enterprise, the average initiative, of the citizens of the United States are the only things that make it rich. We are not rich because a few gentlemen direct industry and labor. We are rich because of our own intelligence and industry. America does not consist of the men who get their names in the newspapers; America does not consist politically of the men who set themselves up to be political leaders; she does not consist of the men who do the most of the talking.... they are important only so far as they speak for the great voiceless multitude of men and women who constitute the great body and the saving force of



this nation. Nobody who cannot speak the common thought, who does not move by the common impulse, is the man to speak for America, or for any of her future purposes. Only he is fit to speak who knows the thoughts of the great body of our citizens, the men who go about their business every day, the men who toil from morning till night, the men who go home tired in the evening, the common men who are carrying on the things we are so proud of." And, respectfully, I might add: "And only he is fit to speak who understands the sadness, the anguish, and the heartaches of those who have given some bright lad, glorious with manhood's morning, to the cause of human freedom, and who likewise understands the sufferings and sacrifices of the men who must bear the heat and burden of the battle."

Certainly no man who speaks lightly of the Bill of Rights, or who talks glibly of a "New Democracy" to come, when men are fighting on every continent and in every ocean to save the old democracy of our fathers, is a fit spokesman for America or her future. Such an one is as unorthodox as some minister would be who would rise in your pulpit and speak of a "New Religion" that gave scant regard to the Apostles' creed or to the scene on dark Calvary's brow!

And now, in the name of the cause for which thousands have perished on the bloody fields of battle, and for which the mighty hosts of the nation's youth—in which are more than 400,000 Texas boys—go forth to make war on the smoking rim of hell itself, in the name of all of them who sleep beneath a soldier's cross in the vast graveyards of our heroic dead, I dedicate myself to the service of this State. And may God give me strength and wisdom for this hour. I thank you.

The Speaker announced that the constitutional oath would next be administered to Hon. Coke R. Stevenson, Governor-elect, by Chief Justice James P. Alexander of the Supreme Court.

Hon. Coke R. Stevenson, Governor-elect, took the constitutional oath of office and also affixed to the oath his signature, the oath being administered and the signature attested

by Chief Justice James P. Alexander of the Supreme Court of Texas.

Chief Justice Alexander declared the Honorable Coke R. Stevenson duly installed as Governor of the State of Texas for the ensuing term of two years.

The President pro tempore then presented Hon. Price Daniel, Speaker of the House, who introduced Governor Coke R. Stevenson to the joint session.

#### Address by Governor

The Governor then addressed the joint session as follows:

Mr. President, Mr. Speaker, Lieutenant Governor Smith, Judge Alexander, Members of the Texas Legislature, Ladies and Gentlemen:

Several times on this rostrum and several times in other places I have subscribed to the oath which you have just heard the Chief Justice administer to me. What import and meaning is pictured in these impressive words—to preserve, protect, and defend the Constitution and laws of the United States and of this State! These immortal documents contain the best thought of the old masters on the subject of government. They are the handiwork of the lovers of freedom in both State and Nation. How sincerely we cherish those we love, whether it be members of the family or close and dear friends. A devoted husband will gladly give his life for his wife and will gladly sacrifice any material thing to promote her happiness. In lesser degree, the sacrifices we make for other loved ones are cheerfully sustained.

And who can estimate the value of a true friend? I am in debt today to a multitude of friends who have made sacrifices of time and convenience to assist me in all my undertakings. Perhaps no man ever occupied the executive office who was blessed with as many personal friendships both in the Legislature and out of it as it is my privilege to enjoy. It is never necessary to examine the credentials of true and tried friends. To do so occasionally, however, may increase the value of the friendship.

In similar manner our appreciation of our charters of government may be increased by an occasional examination. When we think of the purposes of government, of its functions,

of its objectives and its efforts to attain those objectives, we have a renewed sense of obligation to support it. When we think along these lines we are grateful for the blessings we enjoy, and we are conscious of our responsibility to the next generation.

We are passing through a critical period, and we would be less than human if we were not deeply concerned with current problems. The friendships we enjoy give us greater confidence in our mutual efforts to solve these problems. A friendship for, and consideration of, the benefits of liberty which we enjoy inspire us to the supreme effort to maintain them. This is evidenced by our willingness to fight for freedom and to place our lives, our fortunes, and our sacred honor upon battlefields around the globe.

This nation and the world are in the midst of a gigantic war effort. The result of this struggle will determine whether the peoples of the world are to be subjected to slavery, or whether they will emerge with the banner of liberty, supported by the bayonets of freedom. The aims of the United Nations in this raging conflict are now undoubtedly clear to most of the peoples of the world. The war lords of Germany, Italy, and Japan, and the situations which brought them to prominence, must be thoroughly destroyed. To this end our armed forces are fighting, and to this end they will persevere until the task is finished.

Is this an idle boast, or could it be wishful thinking? I think neither. I consider it only as an expression of that determination which is the heritage of unfettered races. Our thinking about conditions as we want them to be after the war is concluded can be effective only when we accept the assumption that victory will be ours, and that our aims will be accomplished. Most of us believe in the gift of prophecy. Generally we associate it with interpretation of the Scriptures. The Scriptures teach us that where there is no vision the people perish, and history affords the evidence of men who have had a vision in the affairs of state. Thomas Gray is chiefly remembered for his "Elegy Written In a Country Churchyard." Every school child is familiar with it. One of the stanzas was made more famous by the English

General, Wolfe, as he proceeded to the assault on Quebec and repeated:

The boast of heraldry, the pomp of power,  
All that beauty, all that wealth  
e'er gave,  
Await alike the inevitable hour;  
The paths of glory lead but to  
the grave.

Wolfe was probably influenced by the certainty that there is a time, we know not when, a power we know not where, that marks the destiny of men to glory or despair. Within a few short hours Wolfe's experience led him through the emotions depicted by Gray as his footsteps marched the path of glory which wandered through the grave. He became immortal to the lovers of heroism as he died responding to his sense of duty. These lines of Thomas Gray may have comforted Wolfe as he made the supreme sacrifice in his country's service.

The same Thomas Gray wrote other lines which should be inspiring to us today, a free translation of which reads:

The time will come when thou shall  
lift thine eyes  
To watch a long-drawn battle in the  
skies;  
While aged peasants, too amazed for  
words,  
Stare at the flying feet of wondrous  
birds.  
England, so long the mistress of  
the sea,  
Where winds and waves confess her  
sovereignty,  
Her ancient triumphs yet shall bow  
on high  
And reign the sovereign of the con-  
quered sky.

Thomas Gray had a vision—a vision of a long drawn battle in the skies; a vision of aged peasants, too amazed for words, watching the giants of the air as they engaged in mortal combat! These lines were written more than two centuries ago. That part of the vision embracing aviation has been fulfilled. Every newspaper carries the account of fleets of bombers and fighters engaging in long-drawn battles in the skies. We marvel at the remarkable foresight and the prophetic instinct evidenced by Gray's vision. But even more than astonish-

ment greets us when we consider the second stanza. We are comforted and thrilled to know that:

England, so long the mistress of  
the sea,  
Where winds and waves confess her  
sovereignty,  
Her ancient triumphs yet shall bow  
on high  
And reign the sovereign of the con-  
quered sky.

The picture of battles in the air is a forecast of remarkable accuracy. The forecast of England's ultimate triumph may be as uncanny, but we accept it with unmeasured confidence. The name England, in his vision may be considered emblematic of all the United Nations in the present struggle. Two centuries ago America was a part of England, and Gray's designation was fitting as including all of the Anglo-Saxon race. It is a prediction of victory which coincides with the marvelous effort of America in common with the United Nations. The fight may be long and hard. Many vacant places may be in our homes when the struggle has ended. Many sacrifices of material things will be demanded and will be given. Our resources, both natural and human, may be severely strained, but the ultimate end is victory for the ideals of democracy.

What are these ideals? For the average man it means the right to love, to work, to worship according to the lights before him; the right to engage in the vocation of his choice, and the opportunity to be successful in that vocation, to reap the reward of his efforts, to be secure in his personal possessions, to be protected against his fellowmen who have criminal instincts.

Our government holds the world's record for success in fostering such ideals. A nation that has produced so much in mechanical achievement, in inventive genius, in industrial leadership, must be founded on correct principles.

A nation which has produced so many brilliant men and women, scholars, scientists, and public servants, undoubtedly has the mental strength to determine its destiny. A nation which has developed the highest standards of living known to history should be careful when con-

sidering views of government which come from other parts of the world.

The American citizen enjoys more automobiles, telephones, radios, picture shows, bathtubs, and beauty parlors than all the rest of the world. These things have flourished under the stability of Constitutional government which was designed to preserve, protect, and defend the home, the church, the school, and the business or vocation in which each of us is engaged. It is the American way.

We will change methods from time to time, and very likely following the war we will adopt plans which are more workable and more equitable. We will discontinue things that changing conditions have outmoded, but we should never change the form of our government to fit the nebulous dreams and theories of the advocates of regimentation.

In democracy the very word means voice of the people. We are not slothful in statecraft when we keep government close to the people. But the voter in Precinct 2 in Kimble County or the voter in Precinct 3B in Travis County cannot make his voice heard when his county seat is moved to the desk of a bureau chief in Washington, D. C., or to the desk of a bureau chief in any other city. Government is not an exact science. The economics of a country is not an exact science. The fundamentals of our government imply an elastic administration based in large part upon local conditions. Upon us rests the duty and responsibility of applying correct principles of government to the problems of State, county, and municipality. This calls for courage, faith, and understanding; courage to meet the issues as they arrive, faith in the sufficiency of our democratic processes, and an understanding of fundamental principles which will promote progress fast enough to meet the needs of the times and slowly enough to permit adjustments without chaos and change without disruption.

Today we celebrate the anniversary of the birth of that great American soldier, General Robert E. Lee. When the conflict was over, he at once turned his attention to the building of a better civilization in strict conformity with the law of the land. When the present conflict ceases, when victory comes and peace returns, let us emulate his example.

**Senate Retires**

At the conclusion of the address by the Governor, the President pro tempore announced that the purpose of the joint session had been accomplished; and, at 12 o'clock noon, he requested the Senate to retire to its chamber.

**In the Senate**

The President pro tempore called the Senate to order at 12:09 o'clock p. m.

**Adjournment**

On motion of Senator York, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**SIXTH DAY**

(Wednesday, January 20, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President, the Honorable John Lee Smith.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Mcore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and, by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Chadick.

**Senate Bills on First Reading**

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Brownlee:

S. B. No. 62, A bill to be entitled "An Act providing for the registration for exclusive use by owners of livestock in this State of tattoo marks; providing for the administration of this Act through the Department of Public Safety; describing the procedure for the registration; providing for the filing of protests; providing for registration fees and the collection thereof; providing for the allocation of such fees to the expense of administering this Act; describing the method of granting or issuing of a certificate of registration for the exclusive use of such registered tattoo marks; providing for the annual renewal thereof; providing for the assignment thereof; fixing violations of this Act and providing penalties therefor; and declaring an emergency."

To Committee on Stock and Stock Raising.

By Senator Ramsey:

S. B. No. 63, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission of Texas to enter into cooperative agreements with the United States for the protection and management of wildlife resources on certain national forest lands in Texas situated in the Counties of Angelina, Jasper, Nacogdoches, San Augustine, Houston, Trinity, Sabine, Shelby, Montgomery, San Jacinto and Walker and to restock and protect the same; authorizing the Game, Fish and Oyster Commission to close hunting and fishing therein, to fix hunting and/or fishing license fees for hunting or fishing therein and to provide for disposition of same, to prescribe the number and size of animals and fish to be taken and to provide conditions under which same may be taken; prescribing penalty for violations of the rules and regulations promulgated by the Game, Fish and Oyster Commission and for other purposes; and declaring an emergency."

To Committee on Game and Fish.